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International Court of Justice

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Streicher
Engl.

INTERNATIONAL MILITARY TRIBUNAL

CLOSING ARGUMENTS

FOR

THE DEFENDANT JULIUS STREICHER

IN THE TRIAL OF

HERMANN GOERING AND OTHERS

BY

DR. HANNS MARX

ATTORNEY-AT-LAW IN NUERNBERG

NUERNBERG, JULY 1946

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When in May of the past year the final action of the greatest and most horrible war of all time came to an end, the German people was slow to rise again from the stupor in which it had for the most part spent the last months of the war. Like all the peoples of Europe for years it had suffered unspeakably, the last months in particular with their hail of bombs, had brought so much misery to both country and people that it almost surpassed all human capacity.

This terror was increased by the knowledge that the war was lost and by the fear of the uncertain fate which the occupation period would bring. And when finally the period of first anxiety had passed, when the German people was slowly beginning to breathe again paralyzing horror spread once more.

Through the press and radio, through newspapers and motion pictures knowledge was spread of the atrocities which had taken place in the East, in the steppes, and in the concentration camps. Germany learned that people, men of its own blood, millions and millions of innocent Jewish people had been slaughtered and destroyed. Most people felt instinctively that these deeds would necessarily be the greatest accusation amongst all the charges the world had to make against Germany.

The question of whether the German people in its

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totality had known and approved of these actions, was and is the great question for its fate. It is the touchstone by which the decision must be made as to whether Germany will ever be able to return again as a nation with equal rights into the common cultural and spiritual cycle of the world.

As in every case of guilt, there immediately arose in this case as well the question as to who was responsible and a search for that pers Who had ordered these atrocities, who had carried them out and how could such inconceivable things ever happen at all, or such actions be committed as have no equal even in the history of the earliest times.

During all this asking and guessing the news arrived that the former Gauleiter of Franconia, and publisher of the "Stuermer", that is, the present defendant Julius Streicher, had fallen into the hands of the American troops. From the echo this news aroused in the press which was exclusively directed and published by the occupying power and just as in the radio news, it could be gathered that the world imagined that in the person of Julius Streicher it had not only taken prisoner one of the numerous anti-Semitic propaganda agents of the third Reich, but in short enemy No.1 of the Jews.

In the rest of the world it was evidently the prevailing opinion that in Julius Streicher they had seized not only the most active propaganda agent for the persecution and extermination of Jews,

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but that he had also participated to the highest degree in carrying out the acts of extermination.

He was said to have been,as one heard,not only the greatest hater of the Jews and the greatest preacher of extermination of the Jews but also the person to whose direct influence one must trace back the extermination of European Jewry.

It is only from this viewpoint that it can be explained why the defendant Streicher sits here in the defendant's dock together with the other defendants amongst the chief responsible persons of the National-Socialists system. For in itself, neither according to his personality nor measured by his offices and positions does he belong to the circle of leaders of the N.S.D.A.P. nor to the Party's decisive personalities.

This opinion which probably was/in the beginning by the prosecution, was abandoned by them, however, at an early stage on, for the written indictment no longer charged the defendant Streicher with any personal and direct part in the abominable mass murders, it rather stated on the other hand that there was less evidence to offer for him than for any of the other defendants in favour of a direct and personal guilt. Only his propaganda, his work both written and verbal, were made the subject of an accusation.

As far as particulars are concerned, the counts of the indictment against the defendant Streicher were summed up as follows:

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I. Support of seizure of power and consolidation of the power of the N.S.D.A.P. after the latter's entry into the government.

II. Preparation of aggressive wars by propaganda aimed at the persecution of the Jews.

III. Intellectual and spiritual preparation and education to encourage hatred against the Jews.

a) in the German people,

b) in the German youth,

c) in the active annihilators of Jewry.

Without Julius Streicher no Auschwitz, no Mauthausen, no Maidanek, no Lublin - in such a manner the indictment may be summed up briefly.

I.

As regards Count I of the indictment, the defendant does not deny that as regards the Party's later seizure of power he supported and promoted it with all his might from the very beginning. His support went to the extent of a whole movement which he had built up personally in Franconia, and which he put at the disposal of Adolf Hitler's party, the latter being extremely small, after the first world war and limited to southern Bavaria only. Furthermore, after Hitler's release from the fortress of Landsberg he immediately joined him again and subsequently championed his ideas and goals with the greatest determination.

Until 1933 the defendant's activity

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was limited to propaganda for the NSDAP and its goals, particularly in the field of the Jewish question.

There is nothing criminal to be seen in this attitude of the defendant as such. The participation in a party within a state which allows such an opposition party, can be regarded as criminal only if, first of all, the goals of such a party are objectively criminal, and if subjectively a member of such a movement knows, approves of and thereby supports these criminal goals.

The foundation of the entire charges against all the defendants lies in this very fact that the NSDAP is accused of having had criminal goals from the very beginning. According to the assertion of the prosecution the members of this party started out with the plan of subjugating the world, of annihilating foreign races and of setting the German master-race above the whole world. They are accused of having harboured the will to carry out these aims and plans from the very outset by means of aggressive wars, murder and violence.

If, therefore, Streicher's mere participation in the NSDAP and his support of it are to be ascribed to him as a crime, it must be proved that the party had such plans and that the defendant knew and approved of them.

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The gentlemen who took the floor before me have already demonstrated sufficiently, that such a conspiracy with such aims did not exist. Therefore I can save myself the trouble of making further statements on this subject and I can refer to what has already been set forth by the other defense counsels. I have only to deal with the point that the defendant Streicher did not in any case participate in such a conspiracy, if the latter should be considered by the high tribuna to have existed.

The official party program strove to attain power in a legitima way. The aims advocated therein cannot be considered as criminal. Thus, if such aims did actually exist, they could only,-given the nature of a conspiracy, - be known in a restricted circle.

The party program was not kept secret, but was announced at a public meeting in Munich, so that not only the whole public of Germany but also that of the entire world could be informed about the aims of the party.

Therefore, there is a complete absence of that momentum given by the secret agreement in a common aim, which is usually the characteristic sign of a conspiracy.

The hearing of evidence, too, has shown nothing to the effect that at that time already there had existed a plan for a war of revenge or aggression, connected with the preceding.

or simultaneous extermination of the Jews. If nevertheless a conspiracy should have existed, the latter would have confined itself to the narrow circle which revolved exclusively around Hitler. But the defendant Streicher did not belong to this circle. None of the offices he occupied provides the least foothold for it. As an old party member he was just one among many thousands. As honorary Gauleiter, as honorary SA-Obergruppenfuehrer, he was also only an equal among equals. Thus one cannot find in any of the offices he held any link or entanglement with the innermost circle of the party. It is also impossible to discern after the end of 1938 any personal relations with the leading men of the movement, be it with Hitler himself, be it with the defendant Goering, be it Goebbels, Himmler or Bormann.

The prosecution did not offer any evidence on this point, nor did the proceedings produce any proof to that effect. Of all the material presented during all these months of the Trial, nothing can be taken even as a shadow of a proof that the defendant Streicher was so closely connected with the highest authority of the party that he could have or even must have known its ultimate aims.

The final aims of the N.S.D.A.P. in the Jewish question - the effects of which were manifest in the concentration camps, - had not been formulated and fixed the way they appeared in the end.

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neither before the seizure of power nor several years after. The party program itself provided for the Jews to be placed under a law for aliens, thus the laws issued in the third Reich followed this line. Only later on, it can be said here, the program became more severe and finally came head over heels under the influence of the war. But any proof of the fact that the defendant Streicher recognized other aims than those of the official party program has not been offered.

Accordingly, it has not been proved that the defendant being aware of the criminal aims of the party supported the seizure of power of the NSDAP, and only on such a basis could a penal charge be brought against him.

The fact that the defendant, as Gauleiter, further endeavored to increase and maintain the power of the NSDAP after the seizure of power, is also not disputed by him. But here, too, only if the defendant knew at that time the objectionable aims of the party, can his conduct be considered punishable.

From the purely factual standpoint it must be said here that the defendant Streicher, contrary to almost all other defendants, did not remain in his position until the end, not even until the war. Officially, he was dismissed in 1940 from his position of Gauleiter, but actually and practically he had been without

any influence and power for more than a year. But while he could still work within the modest framework which was at his disposal in his capacity of Gauleiter, no criminal plans of the NSDAP were recognizable. In any case not for somebody, who like the defendant Streicher was outside the close circle surrounding Adolf Hitler.

II.

Count II of the indictment brought against the defendant Streicher, namely the persecution of Jews as a means of preparation for a war of aggression, can be included here. Up to 1937 the existence of a plan for a war of aggression was absolutely not noticeable. In any case, if Hitler should have entertained an intention to that effect, he did not let it be known to the outside. If, however, anybody should have been taken into his confidence at that time it would have been the leading men in politics and the Wehrmacht, who belonged to the closest circle around him. However, by no means did the defendant Streicher belong to those. Especially significant is here, that at the outbreak of the war Streicher was not even appointed Wehrkreiskommissar of the Gau (Commissioner of military administrative area HQ). The individual conferences, from which the prosecution derives the evidence for the planning of the war which occurred later on, did not see the defendant Streicher as a participant.

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His name does not appear anywhere, neither in a written decree, nor in a protocol. Consequently, no proof has been offered that Streicher knew of any alleged plans for waging war.

But this eliminates the reproach that he preached hatred against the Jews, in order to facilitate thereby the conduct of the war planned for some time after.

In this connection the following is to be said:

One of the main points in the program of the NSDAP has been the call "away from Versailles". The defendant adopted this program-point which, however, does not mean that he expected to do away with the Treaty by means of a war.

The former German democratic governments, in the course of their negotiations with former opponents from the world war also stressed the fact at all times that the Versailles Treaty is no proper basis for a permanent world peace and particularly for an economic adjustment. Not only in Germany but everywhere in the entire world, the attitude of clear thinking economic circles toward the Versailles Treaty was to reject it.--We may point especially to the United States of America as an example.

All German political parties in Germany, irrespective of their other aims, concurred in the opinion that the Treaty of Versailles should be revised.

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Neither was there any doubt that such revision was possible only on the basis of a new agreement. To even consider any other possibility of a solution would seem like Utopia, since the German Reich lacked all military power. The N.S.D.A.P. strove, at any rate sofar as the outer signs indicated, to find a solution to the problem in just this way. The supporting of such aim, however, cannot be looked upon as a violation of treaty obligations, and made the object of a charge against the defendant. No proof has been offered that he expected military complications and that he desired them.

I am about to take up the matter of the defendant's attitude in the Jewish question. He is accused of having incited and instigated through decades the persecution of the Jews and of being responsible for the final extermination of Europe's Jewry.

It is clear that this accusation constitutes the focal point of the indictment against Julius Streicher and perhaps of the total indictment, for in this connection the position of the German people to this question must be tried and judged as well.

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The Prosecution takes the point of view that there is just as little doubt as to the responsibility of the defendant, as there is doubt about the guilty involvement of the German people.

As evidence the Prosecution brought up:

a) The speeches by Streicher before and after the seizure of power, namely one speech in April 1925, in which he spoke about the extermination of the Jews. In the Prosecutor's opinion the altogether first evidance regarding the final solution of the Jewish question planned by the Party, namely the extermination of all Jews, is to be seen in these speeches.

b). Active commitment of the personality and authority of the defendant, namely on the boycott-day, on April 1, 1933.

c) Numerous articles published in the weekly "Der Stuermer", among them especially such dealing with the ritual murder and with quotations from the Talmud. He knowingly and intentionally described in them the Jews as a criminal and inferior race and created and wanted to create hatred and the will to annihilate this people.

The defendant's reply to these points is as follows:

He states that he worked in the capacity of a private writer only.

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His aim was to enlighten the German people on the Jewish question, as he saw it. His description of the Jews merely had the purpose to show that they are different and of a foreign race and to make it clear that they are living according to laws alien to the German conception. It was by no means his intention to incite and instigate his listeners and readers. Besides, he only propagated the thought that the Jews should be extricated from the German national and economic life and eliminated from the close association with the body of German people.

He had, further, an international solution of the Jewish question in mind, he thought nothing of a German or even European part-solution and rejected it. So it happened that he suggested in an editorial of the Stuermer of 1941 that the French island of Madagascar should be taken into consideration as a Jewish settlement.

Accordingly, he did not see the final solution of the Jewish question in the physical extermination but in the resettlement of the Jews.

It cannot be the aim of the Defense to go into further details of the defendant's actions as journalist and speaker, namely regarding his Stuermer and his answer to the accusations lodged against him. His ideology and attitude shall likewise

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remain unexplained, unexcused or defended, also his way of writing and speaking. The examination and decision in this respect is the Tribunal's duty exclusively. That much may be said, that there is a gap between the defendant's actions and the expressions frequently employed by him which cannot be bridged. It can be stated that the defendant when assigned to take charge of some antisemitic enterprise never let coercive measures prevail against the Jewish population, a might necessarily be expected of him, if the accusations made by the Prosecution were true.

I see my duty as defense counsel in examining and clarifying the question /of whether the defendant Streicher with his speeches, actions and with his publications not only strove for but actually attained the success claimed by the Prosecution.

In the following the question should be examined whether Streicher actually educated the German people for antisemitism to a degree which made it possible for the leadership of the German people, to commit such criminal acts as actually occurred.

Furthermore, it should be examined whether the defendant filled the German youth with hatred against the Jews to such an extent as charged by the Prosecution.

Finally, it should be decided whether Streicher was

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actually the man who prepared spiritually and morally the executive organs of the persecution of the Jews to commit their acts.

At the beginning of this presentation it seems important to point out that a great many Stuermer articles from which the Prosecution endeavors to deduce an invitation to exterminate and annihilate the Jews were not written by Steicher himself but by his collaborators, especially by the deputy Gauleiter Karl Holz, well known for his extremely radical tendencie

Even though the defendant Streicher carries the formal responsibility for these articles which responsibility he expressly assumed before the Tribunal, this point of view still appears very essential for the extent of his criminal responsibility.

Further it may be said in this connection that according to the unrefuted statement of the defendant, the sharpest articles were written in reply to articles and writings in the foreign press, which contained very radical suggestions of destruction against the German nation, also no doubt due to the existing war psychosis.

The defendant Streicher, - it cannot be denied and is not to be defen continually wrote articles in the Stuermer and also held public speeches,

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which were strongly anti-Jewish and which at least aimed at the elimination of Jewish influence in Germany.

During the first 5 years Streicher found a comparatively favorable soil for his anti-Jewish tendencies. The first world war finished with Germany's defeat but wide circles did not want to admit the fact of a military victory of Germany's opponents of that time, they imputed this defeat to a decomposition of the national will of defense and resistance from within and designated Jewry as being the main culprit for this undermining from within . In doing so, one intentionally overlooked the errors which had been committed by the Government of that time before and during the war with respect to domestic and foreign policy as well as the errors of strategy.

A scapegoat was sought on which to blame the loss of the war and one believed to have found it in the Jews.

Jealousy, envy and also forgetfulness of one's own insufficiencies accomplished the rest in order to influence unfavourably the feelings towards the Jewish population. In addition to that, the inflation occurred and in the following years the economic depression with its steadily increasing misery which, as experience shows, makes any nation ripe for any form of radicalism.

On this ground and from this medium arose the "Stuermer". For these reasons

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it met with a certain amount of interest and attracted a considerable number of readers. But even during the last years before the accession to power it did not have a great influence. Its distribution did not go byond Nuernberg and its close vicinity. By means of attacks against personalities locally known in Nuernberg and in the others places it managed to arouse in these localities from time to time a certain amount of interest and to extend thereby its circle of readers. Certain groups of the population were interested in the propagation of such scandal stories and for these reasons subscribed to the "Stuermer".

But a criminal way of action can be seen in this - and this is probably the conception of the prosecution also - only if this sort of literary and oratory activity led to criminal results. But was the German nation really filled with the hatred of the Jews in the sense and to the extent asserted by the prosecution through the "Stuermer" and through Streicher's speeches?

The prosecution produced the evidence on this point in a very brief manner. It draws conclusions but it has not produced actual evidence. It alleges indeed the achievement of a result, but it cannot produce factual evidence for its assumption.

The prosecutor maintained that without Streicher's incitements which lasted for years, the German people would not have approved the persecution of the Jews and that Himmler

would not have found among the German people any tool for the execution of the measures taken for the extermination of the Jews. Should however the defendant Streicher be made legally responsible for this, then not only must it be proved that the incitement as such was actually carried through and that a result was achieved in this direction but -and this is the decisive point- a conclusive proof must be produced that the facts exposed can be traced back to the incitement. It is not the question of the result obtained which has first to be proved with such accuracy, but the causative connection between incitement and result.

But how is the influence of the "Stuermer" upon the German people to be estimated, and what picture do we get when we look at the Jewish problem during the years between 1920 and 1944?

It is easy to recognize here three stages of development.

The first period comprises the interval in the defendant's activity between 1922 and 1933, the second that between 1933 and 1 September 1933 or February 1940, the third that between 1940 and the collapse.

As regards the first period, it would show a considerable lack of appreciation of the tendencies which had already existed in Germany for a long time, and thereby a completely groundless exaggeration of Streicher's influence

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if no mention were made of the fact that long before Streicher there was already a certain antisemitism in Germany. For instance a certain Theodor Fritsch touched on the Jewish question in his publication "Der Hammer" long before Streicher's time and referred especially to the alleged menace offered by the immigration of Jewish elements from the East which might overflow the country and acquire too much control in it.

Immediately after the end of the first world war the so-called "German-Ethnic Protective and Defensive League (Deutsch-Voelkische Schutz und Trutzbund)" appeared which, in contrast to the "Stuermer" and the movement brought into existence by Streicher, was spread over the whole of Germany and had set up as its aim the repression of the Jewish influence. Long before Streicher, antisemitic groups existed in the South as well as in the North. In relation to these large-scale efforts, the "Stuermer" could only have a regional importance. For this reason alone, it is easy to explain why its influence was never at any time or in any place of great importance.

It is a decisive fact however that the German nation in its totality could not be influenced by all these groups either in its business relations or in its attitude to Jewry and that even during the last years before the NSDAP came to power no violent actions against the Jews occured anywhere of the people's own volition.

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However, when towards the end of the second decade after the first world war a considerable gain of the N.S.D.A.P. became noticeable, it was not due to anti-semitic reasons, but to the fact that the prevailing confusion in the various parties had been unable to show a way out of the ever increasing economic misery. The call for a strong man became ever more urgent The conviction became more and more compelling among the broad masses that only a personality who would not be dependent on the change of majorities would be able to master the situation.

The N.S.D.A.P. understood how to exploit this general trend for its own ends and to win over the nation who had sunk in despair by disseminating promises in all directions. But never did the masses think, when electing the N.S.D.A.P. at that time, that their program would develop in such a way as we have witnessed.

With the accession to power by the N.S.D.A.P. in 1933, the second epoch was introduced. The power of the state was in the hands of the party and nobody could have prevented the use of violence against the Jewish circles of the population.

Thus it should have been just the right moment for the defendant Streicher to effect his baiting as the prosecution has maintained. If at that time wide circles of the people, or at least the veteran members of the N.S.D.A had been brought up as radical Jew haters

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as stated by the prosecution, acts of violence against the Jewish population should necessarily have taken place on a greater scale, due to the accumulation of that mood of hatred. Pogroms of the greatest scope would have been the natural result of a truly anti-semitic attitude of the people. But nothi like that happened. Apart from some minor incidents, evidently caused by local or personal conditions, no attacks against Jews or their property took place anywhere.

It is quite clear that an atmosphere of hatred against the Jewish people did not prevail anywhere at least up to 1933 and the charge brought by the prosecution against the defendant that he successfully educated the German people to hate the Jews eversince the very start of his fight, can thus be dropped. The year of the seizure of power by the NSDAP also put the "Stuermer" to a decisive test. Had the "Stuermer" been considered by the broad masses of the German nation as the authoritative champion against the Jews and therefore indispensable to that fight, an extraordinary increase in the demand for th publication would have followed. No such interest was displayed, however, in any way. On the contrary, even in party circles demands were heard to discontinue the "Stuermer" entirely or at least to change its illustrations, style and tone. It became more and more clear

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that the interest in Streicher's Jewish policy was steadily declining, an interest which was limited anyway.

It must be added that with the seizure of power by the party the total press apparatus got under the control of the party, which immediately undertook to coordinate the press, i.e. to direct it from a central agency in the spirit of a national-socialist policy and ideology. This was done through the Minister of Propaganda and chief of the Reich Press via the official "National Socialist party correspondence". Particularly Dr. Goebbels, the Minister of Propaganda, designated by different witnesses/as such Goering, Schirach, Neurath, and others, as the most inveterate representative of the anti-semitic trend in the government, was credited with giving each week to the entire press several anti-Jewish editorials, which were printed by more than 3000 newspapers and magazines. If we realize that Dr. Goebbels in addition was making broadcasts in an anti-semitic spirit, we do not need any further explanations for the fact that the interest in a onesided antisemitic journal should disappear and that did in fact happen.

It is particularly significant that at that time it has been repeatedly suggested to forbid "The Stuermer" altogether. This is brought out clearly in the testimony of Fritsche as a witness on 27 June 1946, who stated in addition that neither Streicher nor the "Stuermer" had any influence in the

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Ministry of Propaganda and, that the paper was considered to a certain extent as non-existant.

It might have been for the same reason that the "Stuermer" was not even declared as a press organ of the NSDAP , and was not even entitled to bear the party's insignia (Hoheitszeichen). It was considered from the viewpoint of party and state administration, contrary to all papers which were held to be of any significance, as a private paper belonging to a mere private writer.

The firm which published the "Stuermer" and which belonged at that time to a certain HAERDEL, was not inclined,however, to accept so simply the shrinking circle of its readers, for it was now aided by the fact that Streidher had became the highest political leader in Franconia, and it knew how to make the most of this circumstance. Already at that time pressure was exerted in many sections of the population to the effect that they should prove their loyal political attitude and trustworthiness by taking out a subscription to the "Stuermer". The witness Fritsche has also pointed out this circumstance and has stated that many Germans only decided to subscribe to the Stuermer because they thought it would be a means of pa ing the way for their intended membership in the party. In order not to give a false impression of the number of editions of the Stuermer during the years 1923 to 1933, the following analysis will show the different stages of its development:

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In the years 1923 to 1933 the Stuermer was able to increase its circulation from some 3.000 to some 10.000 copies, and this went up again to some 20.000 shortly before the seizure of power. On the average, however, between 1923 and 1931 the publication could only claim some 6.000 copies. With the transfer of power by the end of 1934 it had reached an average of some 20.000 copies. It was only in 1935 that the publishing firm of the Stuermer became the property of the defendant Streicher, who according to his statement bought it from the widow of the previous owner for 40.000 RM.
Form 1935 on the management of the firm was taken over by a professional, who succeeded by clever technical propaganda in increasing the number of copies to well over 200.000 and this figure was later surpassed in ever increasing proportion until it reached more than the double. The relatively low number of copies of the Stuermer up to the beginning of 1935 shows that despite the party's rise to power, popular interest in the Stuermer was present only in a minor degree. The extraordinary increase in the circulation which began in 1935 is to be traced back to the adroit propaganda methods already mentioned, which were employed by the new director Fink. The use of the Labor Front declared in the proclamation of Dr. Ley in No.36 of the Stuermer of 1935 and the acquisition thereby of many thousands of forced subscribers must be ascribed to the personal relations of the manager with Dr. Ley.

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In that connection I, furthermore, refer to a quotataion from the Pariser Tageblatt of 29 March 1935 which is printed in the Stuermer copy of May 1935. Here, too, it is stated that the increase of the Stuermer circulation cannot be ascribed to the desire of the German people for such kind of spiritual food. It is neither presumable nor probable in any way, that the subscription to the Stuermer forced on the members of the Labor Front in such a manner, could have actually turned the subscribers into readers of the Stuermer and followers of its way of thinking. On the contrary, it is well known that bundles of Stuermer copies in their original wrappings were stored in cellars and attics and that they were brought to light again only when the paper shortage became more acute.

When, therefore, the defendant Streicher wrote in his paper in 1935 - Document No. G.B 169 - that the 15 years work of enligthenment of the Stuermer attracted to National Socialism an army of a million of "enlightened" members, he did claim a success for which there was no foundation whatsoever. The men and women who joined the party after 1933 did not apply for membership as a result of the so-called enlightenment work of the Stuermer, but either because they believed the party's promises, hoping to derive advantages from it or, as the witness Severing expressed it, because by belonging to the party they wanted to insure themselves against political persecutions.

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The sympathy for the party and its leadership very soon decreased considerably. Also the defendant Streicher, lost authority and influence in an ever increasing measure even in his own district (Gau) of Franconia, at least from 1937 on. The reasons herefore are sufficiently known.

Toward the end of 1938 he saw himself deprived of practically all political influence even in his own district The controversy between him and Goering ended with the victory of the latter. Hitler, upon the urgent request of the defendant Goering had dropped Streicher completely, as the Commander in Chief of the Luftwaffe at that time was naturally more important and far more influential than Gauleiter Streicher. The defendant even had to tolerat that the aryanisation carried out in the district of Franconia was being re-examined for its correctness by a special commission sent by Goering. In the course of the year 1939 Streicher was completely pushed aside and was even forbidden to talk in public. At the outbreak of the war, in contrast to all other Gauleiters, he was not even appointed to the position of Wehrkreiskommissar of his own district.

During the last phase, in the years of the war, the defendant Streicher had no political influence whatsoever. As of February 1940 he was removed from his position as a Gauleiter and lived on his estate in Pleikershof, cut off from all connections. Even party-members were forbidden to visit him there. From the end of 1938, he had no connections whatsoever with Hitler, by whom he had been completel abandoned from that time on.

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In what way now did the "Stuermer" exert any influence during the war period?

It can be said that during the war the "Stuermer" arouse no considerable attention any more. The grimness of the time the anxiety for relatives on the front, the battles at the front, and finally the heavy air attacks completely diverted the German people's interest from questions dealt with in the "Stuermer". The people were fed up with the continuous repetition of the same assertions. The best proof - of how little the "Stuermer" was desired as reading matter - is ascertained by the fact, that in restaurants and cafés the "Stuermer" was always readily available at the news stands, whereas other papers and magazines were forever taken up.

The circulation total decreased steadily and irresistily. The influence of the "Stuermer" in the political sphere became nonexistent.. During the already mentioned periods the "Stuermer" was being rejected by large circles of the population from the very start. There can be no idea of the exertion of an influence by the "Stuermer" upon the German people or even upon the party. Its crude style, its often pornographic illustrations and its one-sidedness aroused manifold displeasure.

Although the German people, for years, had been practically deluged with Nazi propaganda, or rather because of that very fact, a journal such as the "Stuermer" could exert no influence upon its inner attitude.

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Had the German people - as is maintained by the prosecution- actually been saturated with the spririt of racial hatred, other factors certainly would have been far more responsible for it than the "Stuermer" and would have contributed far more essentially to a hostile attitude towards the Jews.

But nothing of such nature can be established. The general attitude of the German people was not anti-semitic, at any rate not in such a sense or to such a degree, that they would have desired or approved of physical annihilation of the Jews. The official Party propaganda in regard to the Jewish problem had exerted no influence upon the broad masses of the German people and it had not educated them in the direction desired by the State leadership.

This can already be ascertained from the fact that it was necessary to decree of number of legal regulations , in order to segregate the German population from the Jewish. The first example of this is the so-called Law for the Protection of German Blood and Honor (Rassenschutzgesetz) of September 1935, by the provisions of which any racial intermingling of German people with sectors of the Jewish population was subjected to the death penalty. The passing of such laws would not have been necessary, had the German people been predisposed to an anti-semitic attitude , for they would then of their own accord have insisted upon a segregation from Jews.

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The law for the elimination of Jews from the German economic life, promulgated in November 1938, is running a long the same line. In a people hostile towards the Jews, any trade with Jewish circles would have necessarily ceased and their business would have automatically come to a stand-still.
In reality, however, the intervention of the state was required to eliminate Jewry from the economic life.

The same conclusion can be drawn from the reaction of the greater part of the German populace to the demonstrations carried out against the Jews during the night from 9th to 10th November 1938.

It is proven that these acts of violence were not committed spontaneously by the German people but that they were organised and executed with the aid of the state and party apparatus upon instructions of Dr. Goebbels in Berlin.

The result and the effect of these demonstrations directed by the state, which in a cynical way were portrayed abroad as an expression of indignation of the German people over the assasination of the secretary of the Embassy in Paris,vom Rath,was a totally different one, than had been visualized by the originators of this demonstration.

These acts of violence and excesses, based upon the lowest instincts were unanimously rejected in the circles of the party and even of its leadership.

In place of creating hostility towards the Jewish population they roused pity and compassion with their fate.

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Hardly any other measure taken by the NSDAP was ever rejected in such a way on all hands. The effect upon the public was so incisive that the defendant Rosenberg in his capacity of "Gauleiter" found it necessary to make an address in Nuernberg, warning against an exaggerated sympathy for the Jews. According to his deposition he did not do this because he approved these measures but only in order to strengthen by his influence the heavily impaired prestige of the party.

Previously, as it follows from the testimony of the witness Fritz Herrwerth examined here, he refused to SA-Obergruppenfuehrer v. Obernitz to take part personally in the planned demonstration and designated the latter as being useless and prejudicial. He publicly expressed this standpoint later also, during a meeting of the League of Jurists at Nuernberg. In doing so he took the risk of placing himself in an open opposition to the official policy of the State.

All these facts show that despite the anti-Jewish propaganda carried on by the Government, an actual hostility against the Jewish population did not exist in the people itself. Thus it is proved already that Streicher's publications in the "Stuermer" as well as his speeches have neither had a provoking effect upon the German people in the sense upheld by the prosecution.

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Therefore the proof for an incitement to the hatred of Jews, successfully carried out and leading to a criminal end, cannot be furnished by pointing to the general attitude of the German nation. But the prosecution has supported its reproach to that effect by the specific assertion that only a nation educated to the absolute hatred of Jews by men like the defendant could approve of such measures like the mass extermination of Jews. Thereby the reproach is made to the totality of the Germans that they knew about the exterminat of the Jews and they approvedof it, a reproach , the severity and consequences of which upon the whole future of the German nation cannot be estimated at all.

But did really the German nation approve of these measures?

Only an occurence which is known can be approved of. Therefore, should this assertion of the prosecution be considered as proved, logically it must also be considered as proved that the German nation actually knew of these occurences.

However, the hearing of evidence to that effect has shown that the "Reichsfuehrer " SS Himmler, charged with the mass assassinations by Hitler, and his close collaborators have surrounded this whole story with the veil of deepest secrecy. By threatening with the most severe punishments any violation of the absolute commandment of silence which was imposed,

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they managed to lower before the events in the East in the extermination camps, an iron curtain which hermetically shot off these facts from the public.

Hitler and Himmler prevented even the corps of highest leaders of party and state from gaining any insight and information. Hitler did not hesitate to supply with false informations even his closest collaborators like Reich-Minister Dr.Lammers, who was heard here as a witness, and to make him believe that the removal of the European Jews to the East meant their settlement in the Eastern territories and not at all their extermination. Although the statements of the defendants may deviate in many points, yet in this connection they all agree to completely one with the other and with the statements of other witnesses, that the veracity of their testimonies simply can not be questioned. If it was not even possible for the defendant Frank in his capacity as Governor General of Poland to get through to Auschwitz, because without Himmler's special consent he himself was denied entrance, then this fact speaks for itself.

If, however, even the leading personalities of the Third Reich with the exception of a very small circle were not informed and if even they had at best very vague informations, then how could the public at large have known it! Under these circumstances the possibilities for finding out what was going on in the camps were extremely scanty.

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For the majority of the people, foreign news were eliminated as a source of information. Listening to foreign radio stations was threatened with the heaviest penalties and therefore did not take place. And when it did, the news broadcast by foreign radio stations concerning events in the East were, however or rather because they corresponded to facts, so coarse, so horrible beyond any human understanding, that they were bound to appear to any normal individual, and in fact did, as intentional propaganda.

On the whole, Germany could gain knowledge of the extermination measures against Jewry only from people which either themselves were working in the camps or came in contact with the camp or its inmates, and, lastly, from former concentration camp inmates.

There is no need to explain that members of the camp personnel kept silent, not only because they were strictly compelled to do so, but also in their own interest. Furthermore, it is known that Himmler had threatened death penalty for any information from the camps and the spreading of information about the camps, and that not only the actual culprit, but also his relatives, were treatened with this punishment. Finally, it is knows that the extermination camps proper were so hermetically cut off from any contact with the world that nothing concerning the events which took place therein could penetrate to the public.

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The camp inmates who came into contact during their work with fellow-workers kept silence, because they had to keep silent. People who came to the camps were also under the threat of this punishment, inasmuch as they were at all able to obtain some insight, a thing which was all but impossible in the extermination camps.

From these sources, accordingly, a knowledge for the German people could not flow.

But the absolute order for silence was compulsory, to a still greater measure, for every concentration camp inmate who had been released. Anyhow, hardly anybody ever came back to life from the actual murder camps. But if, once in a time, a man or a woman were released, the danger of their being sent back into the camp was hovering above them if they infringed on order for silence, and this in addition to the other threatened punishments. And this renewed detention would have been tantamount to gruesome death.

It was therefore nearly impossible to learn from released concentration camp prisoners positive facts concerning the occurrences in the camps. This being the case with regard to normal concentration camps in Germany, it applied in a still greater measure to the extermination camps.

Every lawyer who, as I did, defended people before their detention in a concentration camp, and who was visited by them again after their release, will be able to confirm that it was not possible, even for a man holding such a position of trust and under the protection of a lawyer's professional secret, to get former concentration camp inmates to talk.

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If men such as Severing, who testified here, a socialdemocrat of long standing who was highly trusted by his party comrades and who was, because of this in touch with many former concentration camp inmates, came to know of the real facts connected with the extermination of the Jews but very late and even then to a very restricted extent, then such considerations ought to apply even more to any normal German.

It can be derived with absolute certainty from these facts that the government, that Hitler and Himmler wanted under all circumstances to keep secret the genocide (Ausmordung) of the Jews, and this forms the base for another argument - in my opinion, a cogent one - against the anti-semitism of the German people asserted by the prosecution.

If the German people had indeed been filled with such a hate against Jewry as the prosecution affirms, then such rigorous methods for secrecy would have been superfluous. On the contrary.

If Hitler had been convinced that the German nation saw in the Jews its principal enemy, that it approved of and desired the extermination of Jewry, then he would have been forced, of needs, to publish the plans for and likewise the accomplishment of the extermination of this very enemy. Under the sign of total war as constantly propagandized by Hitler and Goebbels, there would indeed have been no better means to strengthen the faith in victory and the will of the people to fight than the information, that Germany's principal enemy, this very Jewish people, had already been annihilated.

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An unscrupulous propagandist such as Goebbels certainly would not have failed to use such a striking argument if he could have taken as a basis the necessary presupposition, viz. the German people's determined will to exterminate the Jews.

However, the "final solution" of the Jewish question had by all means to be kept secret even from the German people who had, for years, stood under the hardest possible pressure by the Gestapo. Even leading persons of state and party were not allowed to learn of.

It seems that Hitler and Himmler were themselves convinced that even in the midst of a total war and after decades of education and gagging by national socialism, the German nation and, above all, its armed forces, would have reacted most violently to the publication of such a policy against the Jews.

The policy of secrecy followed here cannot be explained by any consideration for enemy nations. In the years 1942 and 1943 the whole world was already engaged in a bitter war against national-socialist Germany. An aggravation of this struggle hardly seemed possible, certainly not by publishing facts which had since long become known abroad. Aside from this, the consideration of making a still worse impression on the enemy countries could hardly influence men as Hitler, Goebbels and Himmler.

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If they would have counted even upon the smallest possible positive result of a publication of the genocide of the Jews, then they certainly would not have omitted such publications, on the contrary, they would have tried by all means to strengthen the faith in victory of the German people therewith. The fact that they have not done so is the best proof that even they did not consider the German people as radically anti-semitic, and it is the best proof too, that one cannot speak of such anti-semitism on the part of the German people.

Therefore, even had the defendant, with his publications aimed at such an end, he did not reach such a goal.

In this connection, light should be thrown upon the part attributed by the prosecution to the defendant Streicher, that he had educated the German youth in an anti-semitic spirit and that he had sunk the poison of anti-semitism so deeply into the hearts of the youth that this pernicious result would make itself felt a long time after actual life yet.

What the defendant is mainly blamed for in this connection

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reproach is to be seen in the fact that young people, due t the Streicher education in hatred toward Jews were supposed to have been ready to commit crimes against Jews, which otherwise they would not have committed and that youth thus educated might be expected to perpetrate such crimes in the future too.

The prosecution here relies mainly on the juvenile books which were put out by the publishing house of the Stuermer and some announcements addressed to Youth which appeared in this paper.

Far be it from me to extenuate or defend these products. Evaluation of them can and must be left to the Tribunal. In accordance with the basic principle of the defense the only question to be taken up here will be whether or no the defendant, in one way or another, in - fluenced the education of Yout towards criminal hatred of Jews.

As far as the books which have been mentioned are concerned, it must be said that for the greater part German Youth did not know them at all, much less read them. No evidence has been produced to substantiate the contrary which is assumed by the prosecution.

The healthy common sense of German Youth refused such stuff. German boys and girls preferred other reading material. It may well be emphasized here, that neither the contents of nor the illutrations in these books could prove in any way attractive to youth. They were of necessit much more likely to be avoided.

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Of special importance in regard to this point is the fact that defendant Baldur von Schirach, the man responsible for the education of the whole body of German youth, as a witness declared under oath that the mentioned juvenile books of the publishing Co., were neither circulated by the Hitler Youth leaders nor found a circle of readers among the Hitler Youth.

The witness made the same assertions for the Stuermer. One of his closest co-workers, witness Lauterbacher, declared on this subject that the "Stuermer" was actually forbidden for the Hitler Youth by defendant von Schirach.

It is clear that the very style and the pictures of the Stuermer were not suited to attract the interest of a young person or even to offer him ethical support. The measure taken by the Reich Youth leaders is therefore quite understandable.

If some of the Stuermer articles, submitted by the prosecution seem to indicate that the Stuermer was read in youth circles and there produced a certain effect, then it should be said on this point that typical works, that is, works ordered for propaganda purposes were concerned. No proof whatsoever has been furnished for the assertion of the prosecution that German youth harbored criminal hate toward Jews.

Accordingly, neither the German nation, nor its youth can be termed criminally antisemitic in the sense of the indictment, and so all foundation is taken from the charge made against the defendant Streicher that he educated the youth and the nation on these lines.

Now, one might be tempted to assume that the "Stuermer" exercised an especially great influence upon the organizations of the party, the SA and SS, but this was not the case either.

The SA, the largest mass organization of the party, rejected the Stuermer in the same way as the mass of the people did. Its publications were "The SA-Leader" and "The SA". From these, the mass of the SA drew the foundation of their ideology. These publications do not contain even one article, written by the pen of the defendant Streicher. If the latter had really been the man the prosecution thinks him, the authoritative and most influential propagandist or anti-semitism, he would necessarily have been called in for collaboration in these publications, which were issued to instruct the SA in the Jewish question. A publication, aiming at ideological education, would never have been able to dispense with the collaboration of such a man.

The fact that Julius Streicher never once made an utterance of any kind in these papers, demonstrates again that the picture, drawn of him by the prosecution

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does not correspond in any way to the actual facts. Through his own publication, the defendant Streicher could not gain any influence over the SA, and the columns of "the SA-Leader" and "The SA" were closed to him. Even the highest SA-leaders declined to advocate his ideas. With regard to this the SA deputy chief of staff "SA-Obergruppenfuehrer" Juettner, made the following statement when he was heard as witness before the commission on 21 May 1946, he said:

> "At a leader conference, the former SA chief of staff, Lutze, expressed his wish that there should be no propaganda for the "Stuermer" in the SA. In certain groups the "Stuermer was even prohibited. The contents of the "Stuermer" disgusted and repelled most of the SA men. The policy of the SA with regard to the Jewish question was in no way directed at the extermination of the Jews, the fight aimed only at preventing a large scale immigration of Jews from the East".

Thus the ideology of the "Stuermer" was rejected on principle by the individual SA-man as well as by the SA-leaders, and it is, therefore, out of the question to speak of any influence of Streicher upon the SA.

Not only was the defendant Streicher not asked to collaborate in SA publications, his articles did not appear in any other newspapers and

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publications. Neither in the "Voelkischer Beobachter" nor in other leading organs of the German press he was allowed to say a word, although according to the will of the propaganda ministry, the enlightment in the Jewish question was supposed to belong to the noblest tasks of the German press.

Even otherwise, the defendant Streicher did not get any opportunity from the state leadership or the propaganda ministry, to impress his ideas upon a wider circle. The defendant Fritzsche, the man who had also the right of decision in the propaganda ministry declared as a witness that Streicher never exerted any influence upon propaganda, that he was completely disregarded. Thus, in particular, he was not entrusted with broadcasting speeches, although just an address over the radio would have had an entirely different mass effect then an article in the Stuermer which necessarily affected only a limited circle. The fact, that even the official propaganda of the Third Reich did not utilize the defendant Streicher, makes apparent that his activity would not have promised any effect, that in fact he did not exert any influence at all. The official German state government recognized Streicher as what he actually was, the unimportant publisher of a really unimportant weekly.

The fundamental attitude of the German people, as once more it must be said with all clarity, was as little radically antisemitic as that of the German Youth and also that of the party organizations.

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Any success in instigating and inciting to criminal anti-semitism is therefore not proven.

I now come to the last and decisive part of the accusation i.e. to the examination of the question: who were the persons, mainly responsible for the orders given for the mass-extermination of Jewry, how it was possible, that men were found, ready to execute these orders and whether, without the influence of defendant Streicher, such orders would have neither been given nor executed.

The main person responsible, for the final solution of the Jewish-question, the extermination of Jewry in Europe is without doubt Hitler himself. Though this greatest trial of all in world - history suffers from the deficiency that the chief offenders are not sitting in the defendant's box, because they are either dead or not to be found. The facts ascertained have, nevertheless, resulted in cogent conclusions concerning the actual responsibility.

It can be considered as proved that beyond any doubt Hitler was a man of unique and even demoniacal brutality and disregard, whereto was added in the latter years that he had lost all sense of proportion and all self-control.

Ruthless brutality was the principal feature of his character, this became apparent for the first time in its full force when the so-called Roehm Rebellion was suppressed in June 1934.

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On this occasion Hitler did not hesitate to have his oldest fellow-combatants shot without any process of law. His unrestrained radicalism was further revealed in the way the war with Poland was conducted. Only because he feared an antagonistic attitude toward Germany on the part of leading circles in the Polish nation did he order their ruthless extermination. His orders at the beginning of the Russian campaign were still more drastic. Already at that time he ordered the extermination of Jewry in separate actions.

These examples show beyond doubt, that respect for any principles of humanity was alien to this man. Furthermore the proceedings, through the depositions of all defendants have corroborated the fact, that Hitler in basic decisions was not open to any outside influence.

Hitler's basic attitude towards the Jewish question is known. He had become an anti-semite already during his time in Vienna in the years before the first world war. However no actual proofs exist that Hitler from the very beginning had such a radical solution of the Jewish question in mind as was finally effected in the annihilation of European Jewry. When the prosecution declares that from the book "Mein Kampf" there was a direct road leading to the crematories of Mauthausen and Auschwitz*, that is only an assumption, but no evidence for it has been given. The evidence speaks much rather for the fact that Hitler too wanted to see the Jewish problem in Germany solved by way of emigration. This thought, as well as the position of the Jewish part of the population under alien laws was the official state policy of the Third Reich.

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Many of the leading Antisemites considered the Jewish question as settled after the laws of 1935 had been passed. The defendant Streicher shared this opinion. A severer attitude of Hitler's in the Jewish question cannot be traced further back than to the end of 1938,or beginning of 1939. Then only it became apparent that, in case of war - which he believed was propagated by the Jews - he planned a different solution.

In his speech at the Reichstag on 30th January 1939 he predicted the extermination of the jewry in case a second world war was let loose against Germany.

He expressed the same ideas in a speech made in February 1942, at the occasion of the 20th anuniversary of the day the party was founded. And finally also his testament confirms his exclusive responsibility for the murdering of European Jewry as a whole.

Though a severer attitude on the Jewish question had been taken up by Hitler since the beginning of the war there is nothing that goes to show that he visualized the extermination of the Jews right at the beginning of the war. It can be clearly seen that this last resolution, no doubt, came about when Hitler, presumably as early as 1942 saw that it was impossible to bring the war to a victorious end for Germany.

It can be assumed almost with certainty that the decision for exterminating the Jews was made/- by as were almost all of Hitler's plans -/and originated exclusively from himself. It can not be ascertained with certainty to what extent others, who were closely attached to Hitler, brought their influence to bear on him. If such influences did exist they can have only come from Himmler, Bormann and Goebbels. That much can be stated beyond any doubt at any rate that, during the decisive period from September 1939 to October 1942 Streicher - things being as they were - neither influenced Hitler nor would have been able to influence him.

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At this time Streicher was living, deprived of all his offices and completely left in the cold, at his farm in Pleikershof. He had no connection with Hitler neither personally nor by correspondence. This has been proved beyond doubt by the statements of witness Fritz Herrwerth, Adele Streicher and the statement under oath of the defendant himself. But that Hitler was instigated to his orders of wholesale murder by his reading of the Stuermer can, I believe, not be maintained in earnest.

So it has been made clear that defendant Streicher had no influence at all on the man who made the decision and on the decisive order to exterminate the Jewry.

In October 1942 Bormann's decree came out, ordering the extermination of Jewry (Document PS 3244). This order came from Hitler, there is no doubt about that, and went to Reichsfuehrer SS Heinrich Himmler who was charged with the actual execution of the extermination of the Jews.

He, for his part, charged with the final execution Chief of the Gestapo Mueller and his commissioner for Jewish affairs Eichmann. So after Hitler, these three men are the main responsible ones.

That Streicher had any possibility of influencing them or actually supposedly influenced them has not been proved.

He ascertains unrefutably that he never knew either Eichmann or Mueller, and that his connection to Himmler was but loose and far from being friendly.

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That Himmler was one of the most radical anti-Semites of the party need merely be mentioned. From the beginning he had advocated a merciless fight against Jews and was moreover, from all that we know of him, not a man who would have allowed himself to be influenced by another in matters of principle. But aside from that, a comparison of the two personalities shows a priori that Himmler was in every way the stronger and more superior man so that even for this reason the exertion of any influence by defendant Streicher on Himmler may be ruled out.

I believe I may refrain from further illustration of this point.

I now come to the question whether the activity of defendant Streicher had a decisive influence on the men actually executing the orders that is on the one hand on members of special purpose groups (Einsatzgruppen)and on the other hand on the executive commandos in the concentration camps (KZ's) and whether it was at all necessary to prepare these men spiritually and intellectually to make them willing to execute such measures.

The Reichsfuehrer SS stated unequivocally in his speeches in Nikolajew, Posen and Charkow, which already have often been mentioned here, not only, that he with Hitler was responsible for the final solution of the Jewish question, but also that the execution of the orders had been possible only by the utilization of forces selected by himself among the SS.

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We know from Ohlendorf's testimony that the so-called Einsatzgruppen (Task force) consisted of members of the Gestapo and the SD, or companies of the Waffen SS, of members of the police force with long years of service, and of natives.

It must be stated as a primery statement that the defendant Streicher never had the slightest influence on the ideological attitude of the SS. There is no shadow of a proof among the extensive material of evidence of this trial that Streicher had any connections with the SS. The alleged enemy No. 1 of the Jews, the great propagandist for the persecution of the Jews as he has been pictured by the prosecution, the defendant Streicher, never had the opportunity to write in the periodical "Das Schwarze Korps" (The black Corps) or even in "SS-Leithefte (SS-Guide Magazine). These periodicals alone, however, as the official mouthpieces of the Reichsfuehrer SS, determined the ideological attitude of the Schutzstaffel. These SS periodicals determined their attitude toward the Jewish question. In these circles the "Stuermer " was read just as little as in other circles, it was rejected.

Himmler himself rejected Streicher ironically as an ideologist. Therefore, the defendant Streicher could not have influenced ideologically the SS members of the "Einsatzgruppen",

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far less the old soldiers of the police and the least of all the foreign units.

Also the execution squads in the concentration camps could not be ideologically determined by him. Those men originated for the most part from the Totenkopfverbaende (scull units), that is, the old guard units, for whom the above mentioned is true in a higher degree. Added to this is the fact that the experienced police soldiers, as well as the SS men with long years of service were trained in absolute obedience to their leaders. Absolute obedience to a Fuehrer command was a foregone conclusion for both.

Even those experienced and police men, accustomed to absolute obedience, even the experienced SS , could not be without any/more ado entrusted by Himmler to carry out the executions of Jews. Rather, Himmler had to select men in which he trusted as heads of those execution squads and make them personally responsible for their duties, he pointed out explicitly that he would take all responsibility and that he himself did not but pass on a definite order of Hitler.

So little even those men, who were supposed to be according to the assertion of the prosecution the Elite of Nazism, did become enemies of the Jews in the sense as asserted by the indictment, that the entire authority of the head of State and Fuehrer and of his most brutal follower Himmler was necessary, to force upon the men responsible

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for carrying out the execution orders the conviction that their order was based on the will of the authoritary Head of the State; an order which, according to their conviction, had the power of a fundamental State law, therefore was above all criticism.

Thus it were not ideological reasons, not Streicher's instigation of those who were as the prosecution contends, commissioned with the carrying out of annihilation that made these men carry out orders but exclusively and sole the obedience to an order from Hitler transmitted to them by Himmler, and the knowledge that not to carry out a Fuehrer order, meant death.

Thus in this respect too Streicher's influence has not been proved.

The accusations brought against the defendant by the prosecution are herewith exhausted.

But in order to reach a conclusion, to form a judgment of the defendant that does full justice to the actual findings, it seems necessary to give once more a short summary of his personality and his activity under the Hitler regime:

The prosecution considers him to be the leading antisemite and the leading advocate of the most violent determination to annihilate Jewery.

This conception, however, does no more justice to the role of the defendant and his actual influence than it does to his personality. Already the

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manner in which the defendant was used in the Third Reich and called in for the propagandizing and for the final solution of the Jewish question shows the incorrectness of the conception held by the prosecution. The only time the defendant was called upon to take an active part in the fight against Jewery was in his capacity of a chairman of the action-committee for the anti-Jewish boycott-day on 1 April 1933. He showed an attitude on that day which stands in direct contrast to his utterances in the "Stuermer". One can see from it that the utterances in his paper which are under scrutiny were purely for the purpose of creating a tendency. In spite of the fact that on that day he could have used the entire power of the state and of the party against Jewery, he merely ordered the identification of Jewish places of business and the guarding of Jewish business places. In connection with this, he gave explicit orders that any molestation or act of violence against the Jews as well as damaging of Jewish property was forbidden and punishable.

In the time which followed no further use at all was made of the defendant. Not even for the ideological funding of the show-down with Jewery was he consulted. Neither through the press nor over the radio could he express his ideas. Neither the Party in its training letters (Schulungsbriefen) nor the organizations in their periodicals availed themselves of his pen for the clarification of the Jewish question.

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Hitler did not charge him, but the defendant Rosenberg with the ideological training of the German people. The latter was responsible for the Institute for the Investigation into the Jewish question, not the defendant Streicher, he was not even contemplated as collaborator in this institute.

The defendant Rosenberg was commissioned with the arrangement of an Anti-Jewish congress in 1944. This assembly, however, never took place, but it is significant that the participation of the defendant Streicher was not even planned.

The entire anti-Jewish laws and decrees of the Third Reich were drafted without his participation. He was not even called in for the drafting of the race laws which were proclaimed on the Party rally in Nuernberg, in 1935. The defendant Streicher did not take part in any conference concerning a question of some importance during peace and war. His name is not on any list of participants, on any protocol. Not even in the actual discussions is his name mentioned once.

The fight against Jewry in the Third Reich became more severe from year to year, especially after the outbreak and in the course of the war. In contrast to this, however, the influence of the defendant Streicher decreased from year to year. Already during the year 1939 he was almost entirely pushed aside, without any connection to Hitler or other leading men of State and party. Since 1940 he was relieved of his office as Gau-Leader and politically a dead man since.

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If the defendant Streicher really had been the man whom the prosecution believes him to be, his influence and his activity would have increased automatically with the intensification of the fight against the Jews. The end would not have been, as it actually was, political impotence and banishment, but the commission to carry out the destruction of Jewry.

By writing ad nauseam on the same subject for years in a clumsy, crude and violent manner the defendant Streicher - as cannot be denied - has brought upon himself the hatred of the world. He was hereby created a strong feeling against him which resulted in rating his importance and his influence far beyond his real importance and which now entails the danger for him that his responsibility will be misjudged likewise.

The defendant who in this case has an ungrateful and difficult task had to limit himself to presenting those the aspects and facts which allow a clear recognition in its true extent of the importance of this man and of the rôle which he played in the tragedy of National Socialism.

But it cannot be the task of the defence to deny undeniable facts and to shield actions for which simply no excuse exists.

The fact remains that this defendant took part in the destruction of the Main Synagogue of Nuremberg and thus allowed a place of religious worship to fall into decay.

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The defendant states as an excuse that his aim hereby was not the demolition of a building destined for religious worship but the removal of an edifice which did not fit into the style of the Nuernberg old city and had a disturbing effect and that this, his opinion, had been shared by art experts. That this is truth, was proved by the fact that he had left the second Jewish house of worship untouched until it finally and without him having anything to do with it went up in flames in the night from the 9th to the 10th November. However that may be, the defendant has shown here the same ruthlessness as in his other actions. He himself has to account here for his actions, the defence cannot shield him. But here too it must be said that the population of Nuernberg disapproved of these actions clearly and unmistakably. It was clear to any impartial observer that the people viewed such actions with icy coldness and only by brutal force could be made to put up with such measures and to witness such absurdities.

It is just as impossible for the defence to express any opinion regarding the reopening of the question of the ritual murder myth. These articles, to be sure, found no interest whatsoever, but their tendency is clear. The only point which, beside the good faith which we have to grant him, is extenuating for the defendant is the fact that it was not he who wrote these articles, but Holz: he cannot avoid however that the fact is held against him that he allowed it to happen.

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It must be hard to understand that the defendant still took part in publication of the "Stuermer" after having long since been politically crippled and sent into exile. This very fact better than anything else reveals his one track mind.

When the prosecution accuses the defendant of having aimed at physical annihilation of the Jews and of having prepared the way for this later result with the things he published, then I would like to refer to the statements of the defendant given under oath when he was interrogated as a witness to which I am here referring to their full extent.

The defendant claims that in the long series of Stuermer articles published since its beginning there was none which asked for real acts of violence against Jews. Furthermore, that among the more than thousand issues there could be found only about 15 which contained expressions, which could be held against him in the meaning of the indictment.

On the contrary, the defendant argued that his articles and his speeches always had displayed an unmistakeable tendency to bring about a wholesale and universal solution of the Jewish problem, since a partial solution of any kind could not have any purpose and did not get at the heart of the problem.

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Even from this view point he had always expressed himself unequivocally against measures of violence of any kind and he would never have approved of an action, as was finally carrie out by Hitler in such a gruesome manner.

There must be serious doubts, whether this appears to prove to the defendant that he ever approved of the resultant mass murder of Jewry and I leave the decision about this to the tribunal. He personally however refers to the fact, that he did not receive certain knowledge of these wholesale murders before 1944, a fact which was corroberated by the statements of the witnesses Adele Streicher and Hiemer.

He considered the articles published in the "Isr. Wochenblatt" (tr. note - zionist periodical) as a means of propaganda and consequently did not believe them. In his favor is the fact, that up to the fall of 1943 , he did not express in any article a satisfaction over the fate of Jewry in the East.

When he wrote at that time about the vanishing of the Jewish reservoir in the East it cannot be surmised that he had available any source for an authentic confirmation. He might of course have been of the opinion, that this vanishing process was not identical with physical annihilation but was rather to be considered in the light of evacuation of the collected Jewish population to foreign countries or into territory of the Soviet-Union.

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As no proof has been presented for the fact that the defendant had received hints from any quarters with regard to the intended extermination of Jewry, he could not have conceived such a satanic occurrence, as it appears to be absolutely inconceivable to the human mind. Certainly, it can not be assumed, that the mental capacity of the defendant should have put him into a position to foresee such a solution of the Jewish question, which could only have originated from the brain of a person no longer a master of his mind.

The defendant describes himself as a fanatic and seeker of truth. He professes to have written nothing and to have expressed nothing in his speeches, which he had not taken from some authentic source and corroborated accordingly.

There is no doubt he was a fanatic. The fanatic , however, is a man who is so possesed or convinced of an idea or an illusion that he will not be open to any other consideration and its convinced of the correctness of his idea and nothing else. For the psychiatrist it is a sort of mental cramp.

Every kind of fanati sm is not far from the ideas of a maniac . Together with it there is to be found as a rule a remarkable overestimation and overevaluation of ones own personality and of its influence on the world around it.

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Not one of the defendants, here on trial, shows such a discrepancy between fact and fancy as does the defendant Streicher.

The prosecution presented what he appeared to be to the outside world. What he actually was and is, has been shown by the trial.

But only actual facts can form the basis for the judgement. Consider in your judgement also that the defendant in his position as Gau-leader of Franconia showed also many humane features, that he had a great number of political prisoners released from concentration camps, which even resulted in criminal proceedings against him. It should also be mentioned that he treated the prisoners of war, and foreign workers working on his estate, very well in every respect.

Whatever the judgement against the defendant Streicher may be, it only will be concerned with the fate of an individual.

It seems to be established, however, that the German people and this defendant were never in agreement on this important question. The German people always disapproved the aims of this defendant as he expressed them in his publications and retained its own opinion of and attitude towards the Jews.

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The assumption of the prosecution that the biased articles in the "Stuermer" had found any echo or ready acceptance among the German population or even an attitude ready to accept criminal measures, is herewith fully refuted.

The overwhelming majority in the German nation preserved their sound sense and showed themselves disinclined toward all acts of violence.

It may therefore assume that it will be declared free of all moral complicity and co-responsibility of those crimes before the public tribunal of the world and will again take its place in the ranks of the nations.

The decision as to guilt or innocence of this defendant I shall however place in the hands of the tribunal.

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